

AMENDMENTS TO THE DRAWINGS

By separate letter to the Chief Draftsman, copy attached, applicant is submitting formal drawings and an amended set of formal drawings deleting reference numerals 17 and 19 from the drawings.

REMARKS

By the present amendment, applicant is amending the claims objected to by the Examiner to remove the alleged New Matter. In this respect, applicant has changed "legs are pivoted about their respective mountings to a closed position" to: --legs are pivoted on said head member to a closed position--.

Applicant does not really believe this amendment is necessary since the specification states:

"As shown in FIG. 1, cutting device 10 preferably includes a first leg 12 and second leg 14 pivotally mounted to head member 16. First and second legs 12 and 14 are preferably mounted using a circular hub on the leg that intersects and fits within a corresponding circular bore on the head member, or vice versa.

The Examiner contends that :

"However, the original specification does not disclose pivoy connections 17 and 19 and clearly that 'the legs 12 and 14 are pivotally mounted to the head member' **by the connector 22.**" (Emphasis Added)

Applicant has read the specification twice over and does not find any language stating or suggesting that the pivotal mounting is **by the connector 22.**

All that is stated in the specification is that the "connector 22 extends through a circular opening of the first leg 12 through a slot in head member 16, through cutting blade 20 through a circular opening of the second leg 14 to connect the first leg 12, cutting blade 20, and second leg 14.

Clearly connecting first leg 12, cutting blade 20, and second leg 14 is not and does not state that legs 12 and 14 are pivotally mounted to the head member' **by the connector 22.**

The Examiner's rejection of claims 1-6, 8-11, 20-23 and 25-32 under 35 U.S.C. § 102(b) for being anticipated by the Huang U.S. Patent No. 5,373,639, as this rejection may be attempted to be applied against the amended claims is respectfully traversed.

The Examiner contends that Huang calls for a connector (20, 26 and 30-32) having a pin.

This is not true. Huang states that his pipe cutter includes

"a hollow head portion 10 having a passage way 12 formed along a longitudinal axis thereof, **a blade means 20** having a blade 21 received therein, a transmission means 30 and two handles 40."

A blade means is not a connector and the transmission means 30 is not a connector. Furthermore note that applicant calls for a connector pin in the rejected claims and not just a connector.

The Examiner contends that the pantograph type transmission means 30 consisting of two long links 31 each pivotally connected at one end by a pin 44 to one of the handles 40 and two short links 32 pivotally connected at one end to the other end of one of the long legs 31 by an unmarked/unnamed pin and with the other ends of the short legs 32 being pivotally connected to each other and to a lower extending part 22 of the blade means 20 by an unmarked/unnamed pin, anticipates applicants connector pin 22 (characterized as a connector 22 by the Examiner).

Further, the Examiner contends that Huang teaches

“a connector 20 including a pin 26 which is received in a slot 15 in a head member and operatively connecting the first leg/handle 40 (via member 30-32) and the cutting blade.”

This is clearly not true. Blade means 20 is not a connector 20. There is no pin 26. There is a rolling element 26 which appears to be a ball. The slot 15 is not through the head member but rather is “a slot 15 being formed in an inner surface of the passage way 12.” Note that 15 is shown in phantom lines indicating a notch type slot in which a rolling element/ball 26 can roll. The rolling element 26 does not operatively connect the handle 40 to the head portion 10.

While movement of Huang’s handles 40 causes the rolling element to roll in the notch like or trough like slot 15, it is not movement of applicants connector pin 22 in applicant’s through slot 40 in applicant’s head member 16.

The above assertions by the Examiner are absurd and completely untrue.

Huang’s transmission means 30 is simply and clearly not applicants connector pin 22 as called for in the rejected claims.

Therefore, there is no anticipation of applicant’s claimed cutting device by Huang’s pipe cutter.


While applicant and Huang both move a cutting blade up and down in a head with movement of legs or handles toward or away from each other, applicant uses a completely different and unobvious mechanism for doing so and Huang’s completely different and more complicated transmission means 30, described above, does not anticipate or render obvious applicants mechanism comprising

legs pivotally connected to the head member for causing the connector pin to move in an elongate slot in the head member generally along an axis of the slot to cause the cutting blade to move in and out of the slit in the head member.

In summary, applicant submits that, as so amended, the claims do not contain new matter, are clear of the Huang reference and all the other art of record herein and are otherwise in condition for allowance. An early and favorable action to that end is requested.

Respectfully submitted,

WELSH & KATZ, LTD.

By 
Thomas R. Vigil
Registration No. 24,542

Date: November 17, 2004

WELSH & KATZ, LTD.
120 South Riverside Plaza
22nd Floor
Chicago, Illinois 60606
(312) 655-1500